

**MONTANA STATE PLAN & POLICY MANUAL**  
**CHAPTER THREE**

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Policy Number 3.9

Confidentiality

Revised/Effective Date: October 1, 2012

**Title:** Confidentiality

**Purpose**

To ensure local agencies comply with the appropriate release of confidential information. USDA/FNS may take adverse action against the state or local program for failing to follow Federal regulations, instructions and policy.

**Authority**

7 CFR 246.26(d) & 7 CFR 245(5); MPSF: WC-01-35-P and WC-03-10-P

**Policy**

Participant information will be kept confidential in compliance with federal regulations. The MT WIC Program will work with other health programs and services to promote administrative efficiency whenever possible.

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**I. Participant Information**

- A. Disclosure of participant information, whether provided by the applicant/participant or observed, is limited to:
  - 1. Persons directly connected with the administration or enforcement of the Montana WIC program.
    - a. WIC staff, managers and/or administrators responsible for the ongoing conduct of program operations.
    - b. Operational personnel not certifying and/or serving WIC applicants/participants as well as administrators who do not directly supervise WIC staff are excluded from knowledge of or about applicant/participant information.
  - 2. Representatives of public organizations designated by the chief health officer which administers health or welfare programs.
    - a. The State WIC office will enter into a written agreement with each local agency. The agreement will contain a clause regarding understanding that the program will not disclose the information to a third party.
  - 3. The Comptroller General of the United States for audit and examination authorized by law.
- B. Each local agency is responsible for protecting the right to privacy of WIC applicants/participants. Utmost care will be taken to ensure WIC staff keeps applicant/participant information confidential to the best of their abilities.
  - 1. At the time of certification, applicants and participants will be informed with whom information may be shared through the Montana WIC Program Rights and Responsibilities. Applicants and participants do not have the option of

declining to permit such information sharing if they wish to participate in the program.

2. When contacting applicants/participants via the telephone, mail, or electronic communication, local agency staff will first verify that permission has been given to contact the applicant/participant at this location.
  3. Necessary discussion of WIC applicants/participants between local agency staff will take place in private areas where the information cannot be overheard by other participants, staff from other programs or the general public.
- C. The Montana WIC Program has Memorandum of Understanding (MOU) agreements in place with Montana Immunization Program and Montana Extension Service. The following information can be shared with the local immunization program without a signed release of information.
1. Listing of age appropriate WIC participants.
  2. Information provided by applicants/participants in connection with application to the WIC Program may be provided to the representatives of the Immunization Program for the purposes of determining eligibility for the Immunization Program and conducting outreach for the Immunization Program.
  3. For details of what participant information may be shared, please request a copy of the agreement from the State WIC Office.

## **II. Physical Space**

- A. Whenever possible, the local agency will provide separate rooms or private spaces for gathering participant information (income, weight, etc.) and individual counseling. Because much of the screening process for WIC eligibility is considered sensitive in nature, privacy is critical. Participants may be reluctant to provide accurate information if they believe others may hear what they are saying.

## **III. Suspected or Known Child Abuse or Neglect**

- A. It is not the intent of this policy to prohibit or restrict the reporting of suspected or known child abuse or neglect. WIC staff must follow Montana State Law requiring the reporting of known or suspected child abuse or neglect.

## **IV. Release Forms**

- A. Requests for applicants/participants to sign release forms will be limited to:
1. Court requested information (subpoenas)
  2. An applicant or participant request that information be sent to a third party or an organization (i.e. a doctor, insurance program, school nurse, job service, etc.)
    - a. See Attachment [Release of Information](#).

3. Facilitating referral to another program. Signing such a release form may not be a condition of eligibility or participation
4. Local agencies may not have participants sign open-ended release forms. Such a practice of requesting open ended release forms could serve as a barrier to participation.
  - a. Release forms should have a timeline to the end of the current certification period.

## **V. Fax**

- A. Use of a facsimile machine can compromise the integrity of the medical record and lead to loss of patient confidentiality. The following guidelines apply to transferring patient information via facsimile.
  1. Fax users at both ends of the transaction must know the proper procedures for the handling of confidential materials.
  2. Fax only to and from machines located in secure or restricted access areas.
  3. Transmit patient data by fax only when the original document or mail delivered copies will not serve.
  4. Fax patient health care data only when the information is to be used for a patient care encounter.

**Example:** It is not appropriate to fax to a machine in another office, such as the County Health Officer's fax machine, unless a WIC staff person is waiting at the machine to receive the fax.

## **VI. Volunteers**

- A. It is the responsibility of the local WIC program to exercise discretion in screening and selecting capable volunteers who would have access to confidential information. If, in the opinion of the local WIC program, a potential volunteer does not appear to be a good candidate for keeping information confidential, there may be other activities that the person can perform that would not include access to participant information.
- B. Once volunteers are selected, specific confidentiality requirements governing the WIC Program must be covered in the orientation of training of volunteers. Local programs will ask volunteers to read and sign Policy 4-11. By reading and signing the policy, the volunteer would agree to keep information confidential or forfeit the volunteer assignment. Such action would reinforce the volunteer the importance of maintaining confidential participant information.
- C. Follow up training can be conducted periodically to remind volunteers, as well as paid staff, of the importance of maintaining the confidential nature of participant information.

## **VII. Auditors**

- A. Official auditors from USDA Supplemental Food Programs, Montana Legislative Division, Department of Public Health and Human Services or those contracted

and designated by the local program administration to assure fiscal integrity may have access to confidential participant information in the normal course of performing the review.

- B. The audit report may not contain identifiable participant information.